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In re Application of
SHIBASAKI

Application No.: 10/521,539

PCT No.: PCT/US03/19856

Int. Filing Date: 23 June 2003

Priority Date: 16 July 2002

Attorney's Docket No.: OT-5055

For: CONICAL SPRING BUFFER FOR AN
ELEVATOR

DECISION

This decision is in response to applicant's submission filed via facsimile transmission on 29 August 2005.

BACKGROUND

On 23 June 2003, applicants filed international application PCT/US03/19856, which designated the U.S. and claimed a priority date of 16 July 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 22 January 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 18 January 2005 (16 January 2005 being a Sunday and 17 January 2005 being a Federal holiday).

On 14 January 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 09 August 2005, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e) for filing the oath or declaration later than thirty months from the earliest priority date were required. This NOTIFICATION set a two month extendable period for reply.

On 29 August 2005, applicant filed the instant submission via facsimile transmission.

DISCUSSION

The NOTIFICATION OF MISSING REQUIREMENTS mailed 09 August 2005 indicated that the declaration of inventorship under PCT Rule 4.17 was defective because it failed to identify the application to which it was directed. However, the declaration was filed with the filing of the international application and thus is directed to that international application. Therefore, the declaration filed under PCT Rule 4.17 with the international application on 23 June 2003 is proper. Accordingly, the NOTIFICATION OF MISSING REQUIREMENTS mailed 09 August 2005 is hereby VACATED.

CONCLUSION

For the reasons set forth above, the NOTIFICATION OF MISSING REQUIREMENTS mailed 09 August 2005 is VACATED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.



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